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| 09/828,469 | 04/09/2001 | Carlos A. Silva JR. | 06975-125001 | 6757 |
| 26171 7590 04/23/2008 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022 | | | | |
| EXAMINER | | | | |
| SALTARELLI, DOMINIC D | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CARLOS A. SILVA, JR., LAURENCE F. KIRSH,
ROBER M. COOPER, GEORGE D. ESCOBAR,
AND WILLIAM HOUGHTON

Appeal 2007-3610
Application 09/828,469
Technology Center 2600

Mailed: April 23, 2008

Before DALE M. SHAW, *Chief Appeals Administrator*
SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On March 5, 2008, counsel for the Appellants filed a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. Pursuant to the notice entitled “Request for Continued Examination Practice and Changes to Provisional Application Practice,” 65 Fed. Reg. 50092, 50095 (Aug. 16,

2000), and the provisions of 37 C.F.R. § 1.114(d), a request for continued examination under 37 C.F.R. § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, “will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.”

Accordingly, the appeal in this application is **dismissed**.

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KIS

Appeal 2007-3610
Application 09/828,469

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